



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WALLACH=16A

In re Application of:)
David WALLACH et al)
Appln. No.: 09/824,134)
Filed: April 3, 2001)
For: MODULATORS OF THE FUNCTION OF)
FAS/AP01)

Conf. No.: 2547
Art Unit: 1642
Examiner: M. Davis
Washington, D.C.
October 6, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated June 6, 2005, of the Primary Examiner. The claims appealed are claims 1-7, 11 and 14.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

_____ \$500.00

_____ \$250.00 (small entity)

XXX Not required (fee paid in prior appeal)

Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 60.00

[] Second - \$225.00

[] Third - \$510.00

month after time period set

[] Less fees (\$ _____) already paid for __ months extension of time on ____.

Other Than Small Entity
Response Filed Within

[X] First - \$ 120.00

[] Second - \$ 450.00

[] Third - \$1020.00

month after time period set

A check in the amount of \$ _____ is attached. (Check No. _____)

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 120.00

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

10/07/2005 JADD01 00000023 09824134

01 FC:1251

120.00 0P

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:


Roger L. Browdy

Registration No. 25,618

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528